



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

Regulatory Branch (1145b)  
Post Office Box 6898  
Elmendorf AFB, Alaska 99506-0898

PUBLIC NOTICE DATE: February 22, 2006  
EXPIRATION DATE: March 23, 2006  
REFERENCE NUMBER: POA-2005-2003  
WATERWAY: Carroll Inlet

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plan.

APPLICANT: Mr. Mark T. Johnson, Post Office Box 5644, Ketchikan Alaska 99901.

AGENT: None

LOCATION: The proposed project is located within section 11, T. 75 S., R. 92 E., Copper River Meridian; Latitude 55.3843° N., Longitude 131.3912° W.; East Salmonberry Subdivision, Lot 1, Block 1; approximately 18 Miles Northeast of Ketchikan, Alaska.

PURPOSE: The proposed project would enable the applicant to utilize and access his private property for recreational use.

WORK: Construct a pile supported dock, ramp, pier, walkway, cabin and boat shed. The cabin, walkway and boat shed will be constructed above mean high water (14.5 feet) in wetlands approximately three to six feet above the ground, supported by treated wood piles that will be placed by hand and backfilled using approximately 10 cubic yard of excavated material. The cabin will be approximately 25-foot wide and 40-foot long, supported by twelve 12-inch diameter treated piles and will be connected to a 5-foot wide by 75-foot long walkway, supported by twelve 12-inch diameter treated piles. The boat shed will be constructed on nine 12-inch diameter treated wood piles and will be approximately 16-foot wide by 24-foot long.

The walkway will connect to a 5-foot wide by 110-foot long pile supported pier located below mean high water (14.5 feet). The first four piles supporting the pier will be constructed using concrete and will be 12-inches in diameter with the last six piles being 12-inch diameter steel piles. The pier will connect to a 4-foot wide by 45-foot long aluminum ramp with grate decking and will attach to a 20-foot wide by 35-foot long wood float supported by three steel piles, twelve inch in diameter.

ADDITIONAL INFORMATION: The nine steel pilings supporting the dock and pier will be pile driven. The four concrete pilings will be poured into casts with rebar. The remaining treated wood pilings supporting the cabin, walkway and boat shed will be pile driven where possible otherwise a hole will be excavated and pile place with approximately 10 cubic yards of excavated material used as backfill.

MITIGATION: As a result of early project planning, the applicant has incorporated into the proposed project the following mitigation efforts to reduce impacts to the aquatic environment:

1. Where possible, use concrete and/or steel piling.
2. Construct his cabin, walkway, and boat shed on piles instead of using fill material.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify that the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be issued until the Office of Project Management and Permitting, Department of Natural Resources has concurred with the applicant's certification.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Engineer at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between the Federal government and federally recognized Tribes. This notice invites participation by agencies, Tribes, and members of the public in the Federal decision-making process. In addition, Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Engineer during the public comment period.

ENDANGERED SPECIES: Preliminarily, the described activity will not affect threatened or endangered species, or their critical habitat designated as endangered or threatened, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation

and Management Act of 1996 (MSFCMA), 16 U.S.C. et seq and associated federal regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, North Pacific Fishery Management Council's Environmental Assessment to locate EFH area as identified by the National Marine Fisheries Service (NMFS).

We have determined that the described activity may adversely affect EFH. The proposed work may affect approximately 0.0328 acres of EFH for juvenile/adult groundfish species, including: Yelloweye Rockfish, Sculpin, Walleye Pollock, Pacific Ocean Perch, Pacific Cod, Dusky Rockfish, Shortraker and Rougheye Rockfish, Skate, and Arrowtooth Flounder. This Public Notice initiates consultation requirements with the NMFS under the MSFCMA. We have insufficient information at this time to assess the cumulative effects of the proposed work on EFH, but cumulative effects will be considered in our final assessment of the described work. Any conservation recommendations regarding EFH for federally managed fish will also be considered in our final assessment of the described work. This proposed project may also adversely affect associated species such as major prey or predator species which are not covered by Fishery Management Plans.

SPECIAL AREA DESIGNATION: None.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Ms. Michelle Nordhousen at (907) 753-2712, toll free from within Alaska at (800) 478-2712, or by email at michelle.L.nordhousen@poa02.usace.army.mil if further information is desired concerning this notice.

AUTHORITY: This permit will be issued or denied under the following authorities:

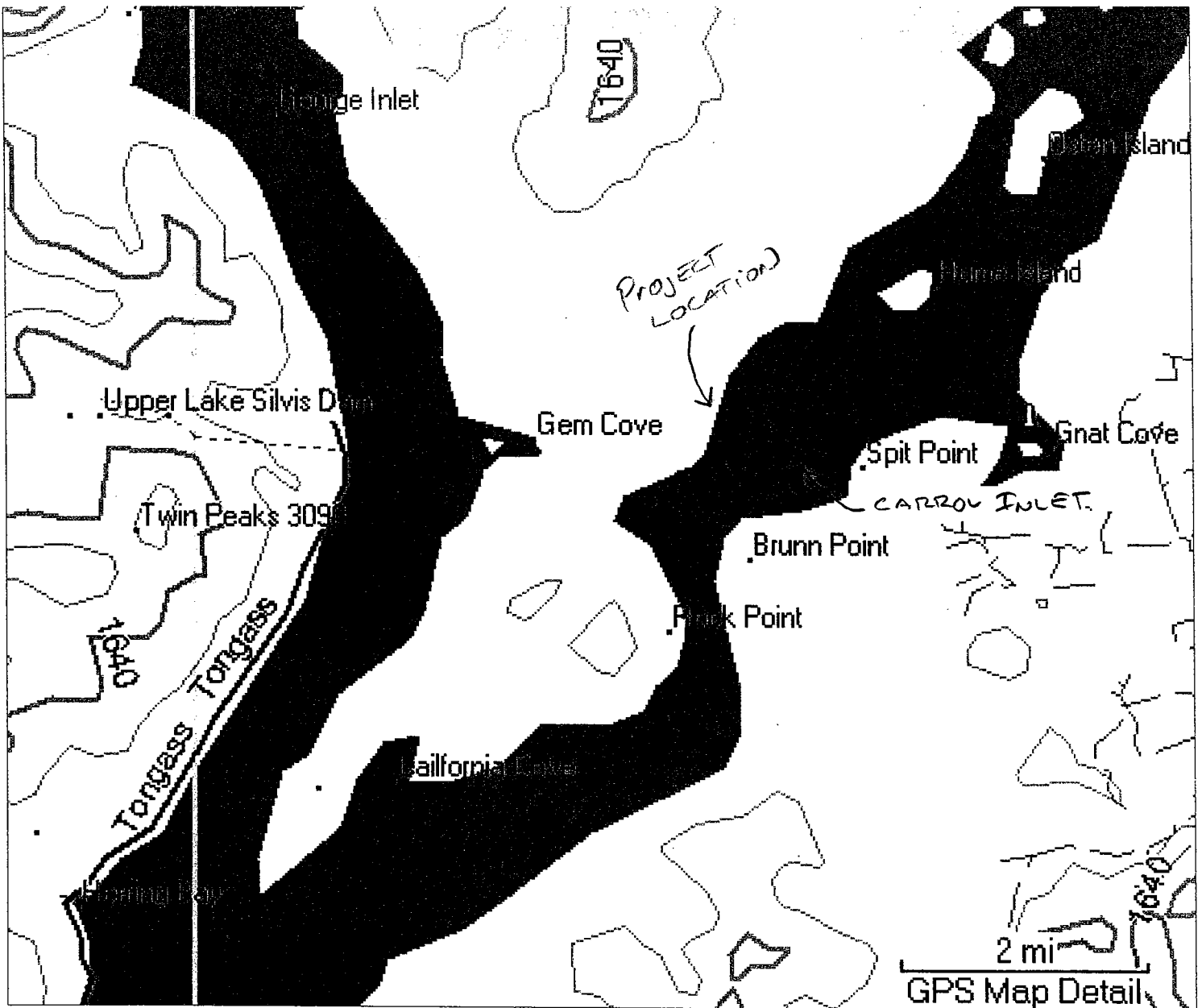
(X) Perform work in or affecting navigable waters of the United States - Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(X) Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

A plan, Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, and Notice of Application for State Water Quality Certification are attached to this Public Notice.

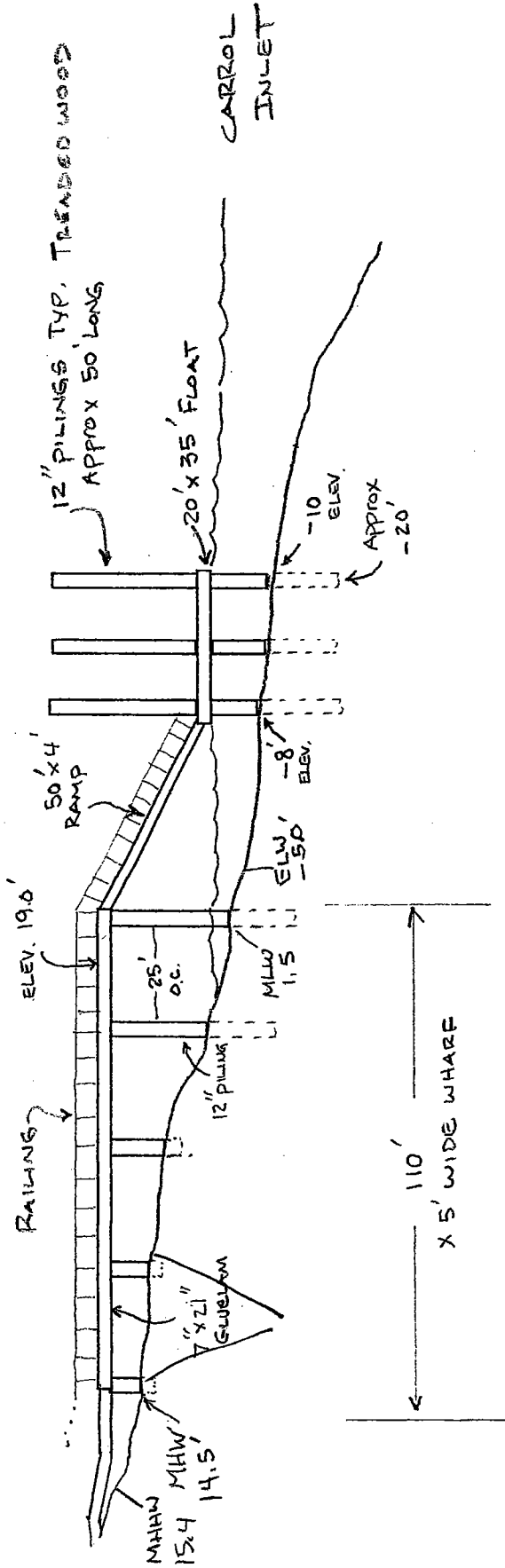
District Engineer  
U.S. Army, Corps of Engineers

Attachments



# TYPICAL SECTION

B-18



## NOTES

1. TOP OF WHARF ELEV. 5' ABOVE MHW
2. ALUMINUM RAMP W/GRATE DECKING
3. ELEVATION TOP OF PIER DECK 19'
4. FLOAT DRAW 2' OF WATER, 2-5 (ELW) FLOAT WILL HAVE 3' OF CLEARANCE TO OCEAN FLOOR,
5. PILINGS FOR DOCK TO BE DRIVEN BY PILE DRIVER ON BARGE CRANE

NORTH AMERICAN DATUM of 1983

## TIDAL INFORMATION

CARROLL INLET

MHHW	15.4'
MHW	14.5'
MLW	1.5'
ELW	-5.0'

5

B-18  
PLAN VIEW

Schedu'  
NOTE: CONSTRUCTION OF DOCK  
3-15-06 thru 4-16-06  
BOATSHED 100  
3-15-06 thru 4-16-06  
CABIN 2-15-07  
7-1-06 thru 1-1-07  
All work completed  
BY 2-15-07

S 65°53'44" E 419.68'  
411.68'

1.5 Acres

NOTE:

CABIN AND WALKWAY  
SHED PILING TO BE  
DRIVEN WHERE POSSIBLE.  
EXCAVATION FOR  
SOME PILES MAY  
BE BY HAND, THEN  
BACKFILLED  
MAX. EXCAVATED  
AMOUNT 10 CU. YDS

N 76°13'47" W 492.42'  
497.42'

1.5 Acres

LOT 1  
BLOCK 1  
EAST SALMONBERRY  
SUBDIVISION

CABIN ON PILES  
(TREATED WOOD)  
ON TREATED  
WOOD PILES  
BOAT  
SHED  
5' WIDE  
WALKWAY  
WALKWAY  
ON TREATED  
WOOD  
PILING

USFS. LAND

MEAN HIGH  
WATER

(10) 12" PILING  
25' O.C.  
TYP.

NORTH AMERICAN DATUM OF 1983

TIDAL INFORMATION  
CARROLL INLET  
MHHW 15.4'  
MHW 14.5'  
MLW 1.5'

B-24

Property owner  
CAPE FOX CORP.  
P.O. Box 8558  
KETCHIKAN AK  
99901

Property owner  
DAVID GUTHRIE  
P.O. Box 8552  
KETCHIKAN AK  
99901

17.5  
R92E  
S31  
MC  
1976

3 1/4" BRASS CAP  
MONUMENT FOUND

17.4 S  
R92E R93E  
S36 S31  
MC  
1976

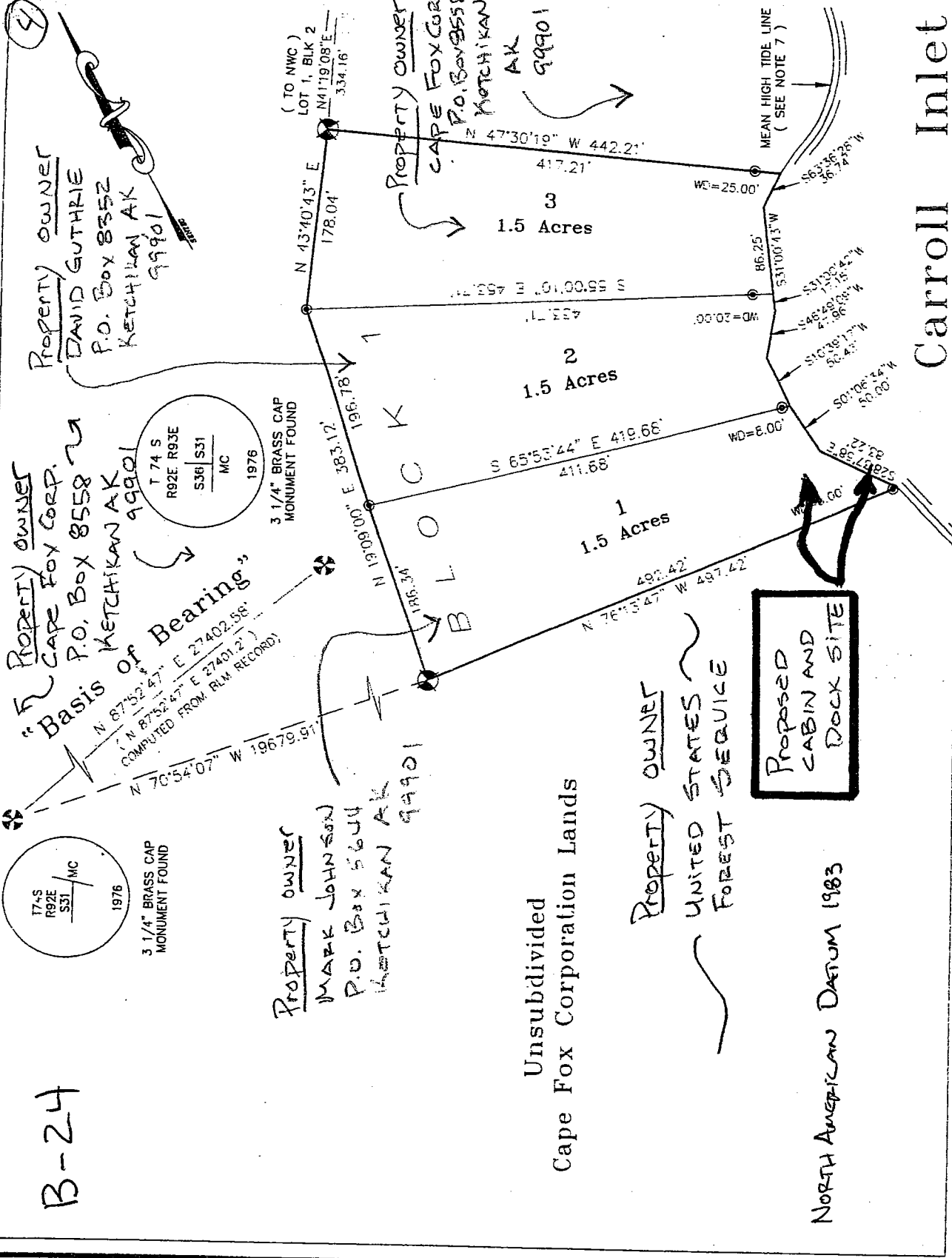
Property owner  
MARK JOHNSON  
P.O. Box 5604  
KETCHIKAN AK  
99901

Property owner  
CAPE FOX CORP.  
P.O. Box 8558  
KETCHIKAN AK  
99901

Unsubdivided  
Cape Fox Corporation Lands

Property owner  
UNITED STATES  
FOREST SERVICE

NORTH AMERICAN DATUM 1983





# STATE OF ALASKA

OFFICE OF THE GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

## DIVISION OF WATER

401 Certification Program

Non-Point Source Water Pollution Control Program

### NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. POA-2005-2003, Carroll Inlet, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify that there is reasonable assurance that the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project with respect to Water Quality Certification may submit written comments within 30 days of the date of the Corps of Engineer's Public Notice to:

Department of Environmental Conservation  
WQM/401 Certification  
555 Cordova Street  
Anchorage, Alaska 99501-2617  
Telephone: (907) 269-7564

# STATE OF ALASKA

OFFICE OF THE GOVERNOR

DEPARTMENT OF NATURAL RESOURCES  
OFFICE OF PROJECT MANAGEMENT AND PERMITTING  
ALASKA COASTAL ZONE MANAGEMENT  
550 WEST 7<sup>TH</sup> AVENUE, SUITE 1660  
ANCHORAGE, ALASKA 99501-3568

**NOTICE OF APPLICATION  
FOR  
CERTIFICATION OF CONSISTENCY WITH THE  
ALASKA COASTAL MANAGEMENT PROGRAM**

Notice is hereby given that a request is being filed with the Office of Project Management and Permitting for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No. **POA-2005-2003, Carroll Inlet**, will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

The Office of Project Management and Permitting requests your comments, particularly on the proposed project's consistency with the affected local coastal district management program. For more information on the consistency review contact OPMP at (907) 269-7470 or (907) 465-3562, or visit the ACMP web site at <http://www.gov.state.ak.us/gdc/Projects/projects.html>.